REMARKS

1. The Office Action has rejected Claims 14 – 17 under the provisions of 35 U.S.C. §102(b), as being anticipated by U. S. Patent No. 3,937,502 (Gay). More particularly, the Office Action states that Gay teaches a yoke as defined in Claim 14, and an alignment of the respective pivot axes as defined in Claim 15. This rejection is respectfully traversed.

In response, Applicant respectfully submits that the Gay dump box patent cannot meet the limitations of Claims 14 – 17, as defined in these claims. More specifically, with respect to Claim 14, the Gay reference contains no teaching or suggestion for a yoke that is connected to the actuator and pivotally connected to the load bed. Applicant agrees that the Gay reference teaches the use of several actuators that are extendable to move devices vertically. For example, the large hydraulic actuator 60 is extendable to pivot the dump box assembly about the pivot link 38 and, thereby, raise the dump box from a lowered position as depicted in Fig. 2 to an elevated position as depicted in Fig. 3. From a general definition of the term "yoke" as applied by Examiner Lowe, the Gay hydraulic cylinder 60 would be supported on a yoke (unnumbered) on the bottom frame 19, while the extendable rod 63 is connected to the dump box by a yoke (unnumbered). Applicant would direct the Examiner's attention to the limitation in independent Claim 14 that specifies that the yoke is "pivotally connected to the load bed by a pivot mechanism". Applicant's yoke, which is clearly defined in the instant specification, pivotally interconnects the actuator and the load bed to permit the vertical movement of the load bed when the actuator is extended.

None of the yokes in the Gay reference are pivotally connected to the dump box. This is the structure that was discussed in the interview conducted with Primary Examiner Keenan on December 21, 2005, which claimed structure in independent Claim 14 Examiner Keenan agreed with Applicant was not shown in the Gay reference.

With respect to Claim 15, the Gay reference contains no teaching or suggestion for the alignment of the yoke pivot axis and the actuator pivot axis so that the actuator can be pivotally movable between an upright operative position and a lowered inoperative position. This positioning is clearly shown in Figs. 10 and 11 of the instant application and appropriately described in the specification. The pivotally connected yoke set forth in independent Claim 14, being aligned with the actuator pivot axis, allows this lowering of the actuator.

There is no corresponding teaching of this structure, or operation, in the Gay reference. The Office Action states simply that the Gay reference teaches the alignment of the actuator and yoke pivot axes and the pivotal movement of the actuator between an upright and lowered positions. The Office Action is simply and clearly wrong about this statement of the teaching of Gay. Not one single actuator in Gay is movable between an upright operative position and a lowered inoperative position. The Gay actuators are extendable and have extended operative positions and retracted operative positions, but not one of the Gay actuators can be lowered into an inoperative position through any mechanism.

Accordingly, the Gay reference cannot meet or make obvious all of the limitations of independent Claim 14. For the reasons given above, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

2. The Office Action has rejected Claims 1 – 17, 20 – 27 and 30 – 46 under the provisions of 35 U.S.C. §102(b) as being anticipated by U. S. Patent No. 3,058,779 (Pietroroia). This rejection is respectfully traversed.

With respect to independent Claim 1, the Office Action states that Pietroroia teaches an actuating mechanism for use with a frame and a load bed pivotally movable about a pivot axis (not numbered) relative to the frame, a mounting bracket affixed to the frame, a linear actuator pivotally supported on the mounting bracket, a yoke connected to the actuator and pivotally connected to the load bed by a pivot mechanism to effect movement of the load bed. Except for pivotal connecting of the yoke to the load bed, which is discussed in detail in Paragraph 1 above, Applicant agrees that Pietroroia contains these general teachings.

Applicant would have the Examiner note, however, that substantially all of these teachings alleged in the Office Action pertain to the limitations of the dependent claims, not independent Claim 1. Claim 1 doesn't even have an actuator or an actuating mechanism claimed. The limitations of Claim 1 are not even addressed in this rejection.

As was pointed out to Examiner Keenan during the December 21, 2005 interview, Claim 1 defines a trailer that has an articulated frame that includes a tilt frame pivotable about a tilt pivot axis, and a draft tongue that is pivotally connected to the tilt frame at an articulation axis. Claim 1 further specifies a bed frame that is supported on the articulation frame for pivotal movement about a dump pivot axis. Accordingly, Claim 1 defines a trailer configuration that

includes three pivot axes, a tilt pivot axis, a dump pivot axis and an articulation axis. Applicant does note that in the rejection of dependent Claim 2, the Office Action identifies reference numbers 25 or 23 as being a teaching of an articulation pivot axis. Reference numbers 23 and 25, as were discussed with Primary Examiner Keenan, are the mounting points of the actuator, not a pivot axis about which the draft tongue and the tilt frame are pivotally connected.

Accordingly, the Pietroroia reference does not teach or suggest a trailer with an articulated frame having a tilt pivot axis, an articulation pivot axis and a dump pivot axis, all of which are clearly specified in independent Claim 1, which is noted in the Interview Summary for the December 21, 2005 interview.

In the Conclusion section of the Office Action, the Examiner states that the actual claim language of Claim 1 does not require three distinctly separate pivot axes, and further that Pietroroia teaches three pivot axes, shown in Fig. 8 as item numbers 17, 21 and 25. Applicant agrees that the Pietroroia reference teaches two pivot axes, 17 and 21, but reference number 25 isn't even directed to a pivot axis of the trailer as defined in independent Claim 1.

Turning next to the dependent claims, Claim 5 defines the actuator mechanism in terms that are similar to independent Claim 14, as discussed in detail in Paragraph 1 above. Pietroroia does teach an actuator that is mounted on the draft tongue and connected to the bed frame to cause pivotal movement of the trailer components. The yokes (an assumption being made that the mounting brackets connecting either or both ends of the Pietroroia actuator are yokes) are not pivotally connected to the bed frame. In this regard, the teachings of Pietroroia are no different than the teachings of the Gay reference. Similarly, the movement of the actuator between an upright operative position and a lowered inoperative position (as set forth in Claim 6) is not taught or suggested in Pietroroia. As is taught in the Gay reference discussed above, Pietroroia teaches only an extended operative position and a retracted operative position, not an inoperative position as is clearly described and defined in Applicant's specification. Further, the latch mechanism specified in Claim 10 associated with the positioning of the actuator is neither taught nor suggested in Pietroroia. The Office Action refers to a latch mechanism 23, 25 for the actuator in the rejection of Claims 21 and 27. Apparently, the pivotal mountings of the opposing ends of the actuator in Pietroroia are quite versatile as they define a pivot axis between the tongue and the frame and a latching mechanism for the actuator. While Pietroroia appears to teach a latch mechanism operable between the draft tongue and the pivoting bed structure, there

is no teaching of a latch structure cooperable with the actuator, possibly because the actuator isn't repositionable as defined in Applicant's claims. Accordingly, Applicant respectfully submits that dependent Claims 2 - 13 be passed to allowance with Claim 1.

Turning next to independent Claim 14, as noted above, Pietroroia contains no teaching for a yoke that is pivotally connected to the load bed. Applicant will acknowledge that Pietroroia teaches an actuating mechanism for use with a trailer having a load bed pivotally movable about a pivot axis relative to the frame (tongue), a mounting bracket affixed to the frame (at 23), a linear actuator pivotally supported on the mounting bracket for movement about an actuator pivot axis. Applicant will concede that Pietroroia could also teach a yoke connected to the actuator and to the load bed. However, Pietroroia contains no teaching or suggestion whatsoever for a yoke that is pivotally connected to the load bed by a pivot mechanism defining a yoke axis to effect vertical movement of the load bed.

As is noted above, the claims dependent on Claim 14 define the movement of the actuator between an upright operative position and a lowered inoperative position, and other details of the actuating mechanism. Notwithstanding the fact that Pietroroia does not teach the limitations of the independent claim (14) from which these claims (15 – 24) depend, there is no teaching for most of the specific limitations in these dependent claims, including the three pivot axis configuration in Claim 20, the latch mechanism in Claim 21, and the hand pump in Claim 22 (contrary to the erroneous statement in the Office action that 27 in Pietroroia is a hand pump, item 27 is control valve). Accordingly, Applicant respectfully requests that dependent Claims 15 – 24 be passed to allowance with independent Claim 14.

Turning next to independent Claim 25, Pietroroia, as is noted repeatedly above, does not contain any teaching or suggestion for a yoke as described and defined in Applicant's specification and as set forth in independent Claim 25 as being pivotally connected to the load bed for movement relative to the load bed about a yoke pivot axis that is in alignment with an actuator pivot axis. Similarly, dependent Claims 26 – 36 contain many limitations not taught in the Pietroroia reference, including the first and second stops to restrict pivotal movement of the actuator in Claim 26, the latch mechanism in Claim 27, the hand pump in Claim 30, and the three pivot axis configuration in Claim 34. Applicant would have the Examiner note the amendment

to Claim 36 to delete the double inclusion of the pivotally connected yoke. For the reasons given above, Applicant respectfully requests that the rejection of Claims 25 – 36 be reconsidered and withdrawn.

Turning next to independent Claim 37, as noted above, Pietroroia contains no teaching or suggestion for a yoke as specified in Claim 37. More particularly, Claim 37 defines the yoke as being connected to the actuator at a connection point and having arms pivotally connected at a yoke pivot axis to a movable member. Claim 37 further defines the yoke as having the yoke pivot axis located such that the operative portion of the actuator (the barrel) is located between the connection point and the yoke pivot axis. Clearly, Pietroroia contains no such teachings. Accordingly, Applicant respectfully requests that the rejection of Claims 37 – 42 be reconsidered and withdrawn.

Turning last to independent Claim 43, the Office Action states that Pietroroia teaches a trailer having a main frame including a tilt frame pivotable about a pivot axis and a draft tongue with the tilt frame being movable relative to the draft tongue, a bed frame supported for pivotal movement relative to the tilt frame and the draft tongue, a locking mechanism associated with the bed frame, the tilt frame and the draft tongue, and an actuator interconnecting the draft tongue and the bed frame forwardly of the forwardmost frame member to effect pivotal movement of the bed frame. In the Conclusion section of the Office action, the Examiner states that Pietroroia has the actuator 22 positioned forwardly of the load bed in figures 8 and 9. Applicant disagrees.

The actual limitations of the last paragraph of independent Claim 43 read "an actuator interconnecting both said draft tongue and said bed frame forwardly of said forwardmost transverse frame member". The word "both" was added by Amendment above to clarify that the actuator is to connect to the bed frame forwardly of the forwardmost frame member, and to the draft tongue forwardly of the forwardmost frame member. Another way to phrase this limitations is that the actuator is positioned forwardly of the bed frame.

Pietroroia clearly teaches that the actuator is positioned beneath the bed frame, and thus requires a higher bed frame than in Applicant's trailer to provide the same road clearance as can be obtained with the instant invention. Phrased in the terminology of the

limitations of independent Claim 43, Pietroroia contains no teaching or suggestion of the actuator being connected to the bed frame forwardly of the bed frame. Pietroroia clearly teaches the connection of the actuator at a location underneath bed frame and rearwardly of the forwardmost frame member. With reference to the Examiner's remarks in the Conclusion section of the Office Action, the Pietroroia actuator in Figs. 8 and 9 has only a portion of the actuator that would be forward of the forwardmost frame member of the bed frame, and in Fig. 9 it would be a very minor portion of the actuator.

With the amendment to Claim 43 above to clarify the limitations, Applicant respectfully requests that this rejection of Claims 43 – 46 be reconsidered and withdrawn.

Lastly, Applicant would like to address the Examiner's remarks in the Conclusion section regarding the arguments made in the last Amendment that the references fail to show certain features of Applicant's invention, and that the features relied upon (including the yoke structure and the position of the actuator) were not literally recited in the rejected claims. In response thereto, Applicant would direct the Examiner's attention to the arguments made above that clearly and specifically identify the features in the claims that are not found in the Gay and Pietroroia references. These features have been in the claims since originally presented in the reissue application. Applicant has no need to read limitations from the specification into the claims, as is clearly identified above.

3. The Office Action has rejected Claims 18 and 19 as being unpatentable under the provisions of 35 U.S.C. §103(a) over Gay in view of PCT Publication WO/83/00033 (Chapman), and the Office Action has rejected Claims 18, 19, 28 and 29 under the provisions of 35 U.S.C. §103(a) over Pietroroia in view of Chapman. These rejections are respectfully traversed.

Applicant admits that Chapman contains teaching of a screw jack, but respectfully submits that Chapman contains no teaching or suggestion that can meet the limitations of independent Claim 14 from which Claims 18 and 19 depend, or the limitations of independent Claim 25 from which Claims 28 and 29 depend. Applicant respectfully submits that Chapman adds nothing to either the Gay or Pietroroia references to define an pivotally mounted yoke as is set forth in Claims 14 or 25. Thus, the Gay, Pietroroia and Chapman references, whether taken

singly or in any combination, cannot meet or make obvious the limitations of Claims 18, 19, 28 or 29.

Accordingly, Applicant respectfully requests that these rejections be reconsidered and withdrawn and that Claims 18, 19, 28 and 29 be passed to allowance with the independent claims from which they depend.

4. In summary, Claim 43 has been amended and Claims 1 – 46 remain in the application. Applicant believes that the claims are allowable based on the foregoing amendments. Applicant respectfully requests that all rejections be reconsidered and withdrawn and that all claims remaining in this case be allowed.

Pursuant to currently recommended Patent Office practice, the Examiner is expressly authorized to call the undersigned attorney if in his judgment disposition of this application could be expedited or if he considers the case ready for final disposition by other than allowance.

Respectfully submitted,

Date: April 12, 2006

Larry W. Miller, Reg. No. 29,417
Attorney for Applicant
Miller Law Group, PLLC
25 Stevens Avenue
West Lawn, PA 19609
Phone: 610-670-9000
Fax: 610-670-9901